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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth R. Owens et al.
Serial No.: 09/692,884
Filing Date: October 20, 2000
Confirmation No.: 6113

Examiner: Jason E. Mattis
Art Group: 2665
Docket No.: 4910.00003
Our File No.: 04910.00.0003

Title: **METHOD FOR ESTABLISHING AN MPLS DATA NETWORK PROTECTION
PATHWAY**

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Mona Lisa Adams
Mona Lisa Adams

RESPONSE TO FINAL REJECTION

Dear Sir:

In the Office Action mailed May 24, 2004, claims 1-16 were rejected under 35 U.S.C. §103(a). In particular, the Examiner rejected claims 1, 2, 4, 5, 7-11, and 13-16 as being unpatentable over CAO et al. (U.S. Patent Application No 09/318,694, hereafter referred to as "Cao") in view of McCallister et al. (U.S. Patent No. 6,697,329, hereafter referred to as "McCallister"). Claims 3 and 12 were rejected under §103 as being unpatentable over Cao in view of McCallister and Aukia et al. (U.S. Pat. No. 6,594,268). Claim 6 appears to have been allowed, or the Examiner forgot to discuss its rejection in the Office Action.

Argument Summary

In rejecting the claims on the combination of Cao and McCallister, the Examiner selectively combined one sentence from McCallister, i.e., that a message is sent from a sink router to a source router, and concluded from that sentence that the combination of Cao and McCallister would have been obvious. As the Examiner should know, an allegedly obvious combination must be shown by some teaching, suggestion or motivation to combine the references, not just one or two carefully selected sentences from either of them.